IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

WRIT PETITION NO : 30202 of 1995

Between:

Hyderabad City Mazdoor Sangh, Musheerabad,
Hyderabad. rep. by its Working President,

T.Sreeramulu, S/o. Chandraiah,

..... PETITIONER

AND

1. Industrial Tribunal - II, Rep.by its Chairman, Chandravihar,
   Hyderabad - 2.
2 M/S. Gupta Steel Wire Industries, Rep.by its Chairman,
Chandravihar, Azamadab, Hyderabad - 500 020.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction particularly a writ in the nature of Certiorari by calling for records in I.D.NO. 53/94, DT. 16-3-1995 on the file of Industrial Tiabunal - II, Hyderabad - 2, and by quashing the same order reinstatement of the workers of the 2ND respondent together with back-wages, continuity of service and all other attendant and consequential benefits.

Counsel for the Petitioner: DR.P.B.VIJAY KUMAR

Counsel for the Respondent No.1: GP FOR LABOUR

Counsel for the Respondent No.2: MrA.K. Jayaprakash Rao

The Court made the following:

ORDER:

This Writ Petition is filed by the Union of workmen challenging the Award passed by the Industrial Tribunal in I.D. No. 53 of 1994 dated 16th March, 1995 insofar as it relates to treating the absence as leave without pay.

2. The Government of Andhra referred the following matter for adjudication to the Industrial Tribunal:

> "whether the action of the management of M/s Gupta Steel & Wire Industries, Azamabad, Hyderabad in termination the services of 1) Sri K. Venkata Rao, Mechanical Operator, 2) Sri K.Sailaiah, Mechanical Operator and 3) Sri C.Brahmachari, Foreman is justified?
>
> If not, to what relief the petitioners are entitled to?

3. The Tribunal passed an Award on 16th March, 1995 holding that the Management of M/s Gupta Steel Wire Industries has not terminated the services of Sri K.Venkata Rao, Mechanical Operator, Sri K.Sailaiah, Mechanical Operator and Sri C.Brahmachari, Foreman. Accordingly, a direction was granted to employ them back forthwith restoring them the original seniority etc., and the period of absence shall be treated as leave without pay. Assailing the same, the present Writ Petition is filed.

4. The Tribunal on consideration of the material before it, came to the conclusion that the Management has not terminated the services of Sri K.Venkata Rao, Sri K.Sailaiah and Sri Brahmachary and therefore, taken back into service restoring their original seniority and in such a situation, treating the period of absence has to be regularized. Therefore, the tribunal has treated the period of absence as leave

without pay. In such a situation, the Award of the Tribunal does not suffer from any infirmity or illegality.

5. Accordingly, the Writ petition is dismissed. No costs.

_____

07-10-2004

kvrm/ycr

To

1. The Chairman, Industrial Tribunal - II, , Chandravihar,
   Hyderabad - 2.

2. 2 CC copies to GP for Labour, High Court Buildings, Hyderabad (OUT)
3. 2 CD copies.